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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,760	08/07/2000	Daphna Weinshall	US 000180	3699

24737 7590 08/15/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

KIBLER, VIRGINIA M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/15/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/633,760

Applicant(s)

WEINSHALL ET AL.

Examiner

Virginia M Kibler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 11 is objected to because of the following informalities: "step of step of" should be changed to "step of" in line 19. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 7, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said image plane" in lines 19-20. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 1, 7, and 11, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinshall et al. (*From Ordinal to Euclidean Reconstruction with Partial Scene Calibration*).

Regarding claim 1, Weinshall et al. (“Weinshall”) discloses a method of determining a position of an unknown point in space using at least two cameras (Page 210, para. 1) aimed such as to have an overlapping field of view (Page 209, para. 5) including generating in each of the cameras an image corresponding to at least four points lying in a reference plane, the reference plane being common to the respective images of the cameras (Page 209, para. 2 and 5), calculating a planar projective transform that maps the images of the at least four points to a reference frame, the reference frame being a projection of the reference plane (Page 209, para. 4), generating in each of the cameras, images of at least two calibration markers whose positions relative to the reference plane are known and an image of an unknown point (Page 215, para. 3-5 and Page 216, para. 1), for each of the images of the calibration markers and the image of the unknown point, applying the transform to define respective points in the image plane (Page 217, para. 2), and computing at least a distance of the unknown point from the reference plane responsively to at least a depth of the unknown point and coordinates of the unknown point and the at least two points transformed into the reference plane (Page 216, para. 1-2).

Regarding claim 2, Weinshall discloses computing a distance of the unknown point from the reference plane responsively to positions of the calibration points (Page 216, para 2).

Regarding claim 3, Weinshall discloses the positions indicate a distance of the calibration points from the reference plane (Page 216, para. 2).

Regarding claim 4, Weinshall discloses positioning the calibration markers in the overlapping field of view (Page 216, para. 1).

Regarding claim 6, Weinshall discloses the position includes only a distance from the reference plane (Page 216, para. 2).

Regarding claim 11, the arguments analogous to those presented above for claim 1 are applicable to claim 11. Weinshall further discloses computing optical centers responsively to a result of the step of transforming (Page 212).

Regarding claim 12, Weinshall discloses transforming the images of the unknown point using the planar projective transform (Page 209, para. 2).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinshall et al. (*From Ordinal to Euclidean Reconstruction with Partial Scene Calibration*) as applied to claim 1 above, and further in view of Wilson et al. (5,386,299).

Regarding claim 5, Weinshall does not appear to include extending a boom with markers. However, Wilson et al. ("Wilson") teaches that it is known to extend a boom with markers (Col.

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3, lines 29-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the calibration markers disclosed by Weinshall to include using a boom with the markers as taught by Wilson as an alternative way to position the calibration markers.

Regarding claim 7, Weinshall discloses a 3D reconstruction system including at least two cameras using at least two calibration markers and at least four reference markers. Weinshall does not recognize using a jig having a structure to support the calibration and reference markers. However, Wilson teaches that it is known to include structure to support two cameras as well as a movable member to position markers (Col. 3, lines 29-38). While Wilson does not specify including two calibration markers as well as four reference markers it would have been obvious in light of his disclosure. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the calibration and reference markers disclosed by Weinshall to include a structure to support the cameras and markers, as taught by Wilson, as an alternative way to position the markers.

Regarding claim 8, Weinshall discloses the requirement that the 3D coordinates of four reference markers are given (Page 209, para. 2). While Weinshall does not specify the four reference markers, it would have been obvious in light of his disclosure to expressly state the corners of an aperture as the four reference markers as a design choice.

Regarding claim 10, the arguments analogous to those presented above for claim 1 are applicable to claim 10.

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8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinshall et al. (*From Ordinal to Euclidean Reconstruction with Partial Scene Calibration*) in view of Wilson et al. (5,386,299) as applied to claim 7 above, and further in view of Proesmans et al. (6,510,244).

Regarding claim 9, Weinshall and Wilson do not appear to recognize the reference markers being projected onto a screen of the jig. However, Proesmans et al. ("Proesmans") teaches that it is known to project a predetermined pattern, thereby reference markers, onto a scene (Abstract, lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the reference makers disclosed by Weinshall and Proesmans to include projecting them onto a screen, as taught by Proesmans, as an alternative way to position the markers.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Pat. No. 6,377,701 to Ohki for calibration method and device for generating calibration data; and

U. S. Pat. No. 6,437,823 to Zhang for calibrating digital cameras.

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*Contact Information*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs. 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

VK  
August 8, 2003

  
AMELIA M. AU  
SUPERVISORY PATENT EXAMINER  
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